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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,151

Applicant(s)

HEFTER, JESSE

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claim 35 is objected to because of the following informalities: claim 35, line 19, the phrase "the telephone database" should recite "a telephone database". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,5,22-26,35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann in view of Littleton et al..

Kaufmann discloses a personal digital assistant (PDA) system (fig. 1 number 100) comprising: a memory (fig. 1 number 614) containing a database (list of files) (fig. 1 number 614) and a synchronization routine (fig. 1 number 103), said synchronization routine is adapted to automatically transmit information reflecting a database (fig. 1 number 608) change to a computer (fig. 1 number 600) over a wireless network (i.e.

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synchronize data base 608 with data base 614)(fig. 1 and col. 4 lines 41-44). Kaufmann differs from claim 1 of the present invention in that it do not disclose its PDA is a wireless telephone. Littleton et al. teaches its PDA is modified with wireless telephone services (fig. 4 and paragraph 0036 lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaufmann PDA system to a wireless telephone in order to speed dial a user when making a telephone call by using the address book stored within the PDA, as taught by Littleton et al..

Regarding claim 2, Kaufmann discloses wherein said transmission of the information occurs after said synchronization routine identifies a difference between said database and a database on the computer (col. 4 lines 31-33).

Regarding claim 3, Kaufmann discloses wherein said transmission of the information occurs after a predetermined period of time (i.e. after m minutes) (col. 4 lines 40-43).

Regarding claim 5, Kaufmann discloses said PDA database comprises a plurality of names and associated telephone numbers and other information (col. 1 lines 18-24).

Regarding claims 22-26 and 35-37, Kaufmann discloses a wireless network (system)(fig. 1) for synchronizing a data file of a wireless telephone with a data file of a computer (fig.1 and col. 4 lines 25-30), said network comprising: a PDA (fig. 1 number 602); a controller (paging network)(fig. 1 number 152) coupled to said wireless PDA by a wireless interface (fig. 1 number 152), said controller comprising a synchronizing routine (col. 4 lines 25-30); and a computer (fig. 1 number 600) coupled to said controller (fig. 1); said synchronizing routine adapted to compare a controller memory to a corresponding memory of the PDA (col. 4 lines 25-30); update the controller memory to reflect any differences (database changes)(predetermined event) resulting from the comparison (col. 4 lines 30-44); and transmit the changes to the computer (col. 4 lines 30-44). Kaufmann differs from claims 22 and 35 of the present invention in that it do not disclose its PDA is a wireless telephone. Littleton et al. teaches its PDA is modified with wireless telephone services (fig. 4 and paragraph 0036 lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Kaufmann PDA system to a wireless telephone in order to speed dial a user when making a telephone call by using the address book stored within the PDA, as taught by Littleton et al..

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann in view of Littleton et al. as applied to claim 1 above and in further view of Novak et al..

Regarding claim 4, the combination of Kaufmann and Littleton et al. differs from claim 4 of the present invention in that they do not disclose a predetermined number of differences between said database and a database on the computer. Novak et al. teaches a client device and a server synchronizes with each other where changes occur from 0 to 4 (col. 5 lines 40-50 and col. 6 line 63 through col. 7 line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kaufmann and Littleton et al. with a predetermined number of differences between said database and a database on the computer in order for the PDA to update its synchronizing routine after a specific number of changes with the personal computer synchronizing routine thereby preventing the PDA from continuous synchronizing with the personal computer which saves the battery of the PDA, as taught by Novak et al..

5. Claims 6,7,9,10,16,17,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Ansems et al.

Regarding claims 6,16 and 19, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: storing a synchronization routine (synchronized program) in a memory (paragraph 0036 lines 19-23), monitoring a change to the data

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file (fig. 1 number 114 and fig. 4 number 418) of the wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 6-15) initiating the synchronization routine to transmit the change to the computer (server) over the wireless network (fig. 3, paragraph 0024, paragraph 0025 and paragraph 0036 lines 6-15); and receiving the change by the computer (fig. 3, paragraph 0024 lines 3-11, paragraph 0025 lines 1-5 and paragraph 0036 lines 6-15). Littleton et al. differs from claims 6,16 and 19 of the present invention in that it does not explicit disclose a wireless telephone. Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with a wireless telephone in order for the wireless PDA to synchronize its changes made to telephone service features that are stored in memory to the server computer database and follow up by making a telephone connection with the server computer to determine if changes has been made, as taught by Ansems et al..

Regarding claims 7,10,17 and 20, Littleton et al. discloses comparing the data file (fig. 1 number 114 or fig. 4 number 418) of the wireless telephone (PDA) (fig. 4 number 402) with a data file (fig. 1 number 140 or fig. 4 number 424) stored on a controller (server) (fig. 1 number 106 or fig. 4 number 404) on the wireless network (paragraphs 0030 through paragraph 0033 and paragraph 0036 lines 6-11, fig. 4).

Regarding claim 9, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing of a computer (fig. 4 number 400) with a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: storing a synchronization routine (synchronized program) in a memory of

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the computer (paragraph 0024 through paragraph 0032), monitoring a change to the data file of the computer (paragraph 0024 through paragraph 0032), initiating the synchronization routine located in memory of the computer to transmit the change from the computer (server) to the wireless telephone over the wireless network (paragraph 0024 through paragraph 0032); and receiving the change by the wireless telephone (paragraph 0024 through paragraph 0032). Littleton et al. differs from claim 9 of the present invention in that it does not explicitly disclose a wireless telephone. Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with a wireless telephone in order for the personal computer to wirelessly synchronize its database changes with the PDA so that phone records are consistent, as taught by Ansems et al.

6. Claims 8,11,18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Ansems et al. as applied to claims 9,16 and 19 above and in further view of Kaufman.

Regarding claims 8,11,18 and 21, the combination of Littleton et al. and Ansems et al. differs from claims 8,11,18 and 21 of the present invention in that they do not disclose transmitting data file changes from the wireless telephone to a controller on the wireless network; updating a data file on the controller to reflect the changes from the wireless telephone; transmitting data file changes from the controller to the computer; transmitting data file changes from the computer to a controller on the wireless network; updating a data file on the controller to reflect the changes from the computer; and transmitting data file changes from the controller to the wireless telephone. Kaufman teaches transmitting data file changes from a PDA to a Paging network on the wireless network (fig. 1); updating a data file on the paging network to reflect the changes from the PDA (col. 4 lines 25-44); transmitting data file changes from the paging network to a personal computer (fig. 1 and col. 4 lines 25-44); transmitting data file changes from the personal computer to a paging network on the wireless network (fig. 1 and col. 4 lines 25-44); updating a data file on the paging network to reflect the changes from the personal computer (fig. 1 and col. 4 lines 25-44); and transmitting data file changes from the paging network to the PDA (fig. 1 and col. 4

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lines 25-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Littleton et al. and Ansems et al. with transmitting data file changes from the wireless telephone to a controller on the wireless network; updating a data file on the controller to reflect the changes from the wireless telephone; transmitting data file changes from the controller to the computer; transmitting data file changes from the computer to a controller on the wireless network; updating a data file on the controller to reflect the changes from the computer; and transmitting data file changes from the controller to the wireless telephone in order for the PDA and server to wireless synchronized each other when there is a change within their database, as taught by Kaufman.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Hiscock and Ansems et al..

Regarding claim 12, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: receiving the change by the computer (fig. 3, paragraph 0024 lines 3-11, paragraph 0025 lines 1-5 and paragraph 0036 lines 6-15). Littleton et al. differs from claim 12 of the present invention in that it does not explicit disclose periodically initiating a synchronization routine located in memory of the wireless telephone to transmit information reflecting data file changes from the wireless telephone to the computer and a wireless telephone. Hiscock teaches periodically initiating a synchronization routine located in memory of a PDA to transmit information reflecting data file changes from the PDA to the computer (col. 1 lines 30-39). Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with periodically initiating a synchronization routine located in memory of the wireless telephone to transmit information reflecting data file

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changes from the wireless telephone to the computer and a wireless telephone in order for the wireless PDA memory to regular reflect changes with the personal computer memory and to synchronize its changes made to telephone service features that are stored in memory to the server computer database and follow up by making a telephone connection with the server computer to determine if changes has been made, as taught by Hiscock and Ansems et al..

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Hiscock and Ansems et al. as applied to claim 12 above and in further view of Norvak et al..

Regarding claim 13, the combination of Littleton et al., Hiscock and Ansems differs from claim 13 of the present invention in that they do not disclose a predetermined number of changes to the data file have been observed. Novak et al. teaches a client device and a server synchronizes with each other where changes occur from 0 to 4 (col. 5 lines 40-50 and col. 6 line 63 through col. 7 line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Littleton et al., Hiscock and Ansems with a predetermined number of changes to the data file have been observed in order for the PDA to update its database with the list of changes stored within the server, as taught by Norvak et al..

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Hiscock, Kaufman and Ansems et al..

Regarding claim 14, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: receiving the change by the computer (fig. 3, paragraph 0024 lines 3-11, paragraph 0025 lines 1-5 and paragraph 0036 lines 6-15). Littleton et al. differs from claim 14 of the present invention in that it does not explicit disclose periodically initiating a synchronization routine located in memory of the wireless telephone to transmit information

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reflecting data file changes from the wireless telephone to the computer, provided a predetermined period of time has elapsed and a wireless telephone. Hiscock teaches periodically initiating a synchronization routine located in memory of a PDA to transmit information reflecting data file changes from the PDA to the computer (col. 1 lines 30-39). Kaufman teaches providing a predetermined period of time has elapsed when synchronizing data files within memory (col. 4 lines 41-43). Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with periodically initiating a synchronization routine located in memory of the wireless telephone to transmit information reflecting data file changes from the wireless telephone to the computer, provided a predetermined period of time has elapsed and a wireless telephone in order for the wireless PDA memory to regular reflect changes with the personal computer memory and to automatically synchronize its changes made to telephone service features that are stored in memory to the server computer database and follow up by making a telephone connection with the server computer to determine if changes has been made, as taught by Hiscock, Kaufman and Ansems et al..

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Hiscock, Kaufman and Ansems et al. as applied to claim 14 above and in further view of Norvak et al..

Regarding claim 15, the combination of Littleton et al. Hiscock, Kaufman and Ansems et al. differs from claim 15 of the present invention in that they do not disclose a predetermined number of changes to the data file have been observed. Novak et al. teaches a client device and a server synchronizes with each other where changes occur from 0 to 4 (col. 5 lines 40-50 and col. 6 line 63 through col. 7 line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Littleton et al. Hiscock, Kaufman and Ansems et al. with a predetermined number of changes to the data file have been observed in order for the server to update its database based upon a number of changes within the PDA database, as taught by Norvak et al..

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11. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. in view of Ansems et al. and Roeder.

Regarding claim 27, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: initiating the synchronization routine to transmit the change to the computer (server) over the wireless network (fig. 3, paragraph 0024, paragraph 0025 and paragraph 0036 lines 6-15); and receiving the change by the computer (fig. 3, paragraph 0024 lines 3-11, paragraph 0025 lines 1-5 and paragraph 0036 lines 6-15). Littleton et al. differs from claim 27 of the present invention in that it does not explicit disclose a wireless telephone and establishing a voice communication link between the wireless telephone and a second telephone. Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Roeder teaches a system (fig. 3A) for establishing a voice communication link between the wireless telephone 208 and a second telephone 210a (paragraph 0060 lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with a wireless telephone and establishing a voice communication link between the wireless telephone and a second telephone in order for the wireless PDA to synchronize its changes made to telephone service features that are stored in memory to the server computer database and follow up by making a telephone connection with the server computer to determine if changes has been made and make a voice call to a friend, as taught by Ansems et al. and Roeder.

Regarding claims 28 and 32, Littleton et al. discloses comparing the data file of the (PDA) wireless telephone with a data file stored on a (server) controller on the wireless network (paragraph 0024 through paragraph 0032); initiating a synchronization routine to transmit the data file from the wireless telephone to the computer over the wireless network (paragraph 0036 and fig. 4), upon the occurrence of a predetermined event (modified record) (paragraph 0036 and fig. 4).

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Regarding claims 29 and 33, Littleton et al. discloses transmitting data file changes from the (PDA) wireless telephone to a controller on the wireless network (paragraph 0036 and fig. 4); and updating a data file on the (server) controller to reflect the changes from the wireless telephone (paragraph 0036 and fig. 4).

Regarding claims 30 and 34, Littleton et al. discloses transmitting data file changes from the controller to the computer (database) (paragraph 0036 and fig. 4 numbers 404 and 424).

Regarding claim 31, Littleton et al. discloses a computer-implemented method (fig. 3) for synchronizing of a computer (fig. 4 number 400) with a data file (fig. 4 number 418) of a wireless telephone (Personal Digital Assistant (PDA) with wireless telephone features) (paragraph 0036 lines 1-10) with a data file (fig. 4 number 424) of a computer (server) (fig. 4 number 404) over a wireless network (fig. 4), the method comprising: initiating the synchronization routine located in memory of the computer to transmit the change from the computer (server) to the wireless telephone over the wireless network (paragraph 0024 through paragraph 0032); and receiving the change by the (PDA) (paragraph 0024 through paragraph 0032). Littleton et al. differs from claim 31 of the present invention in that it does not explicit disclose a wireless telephone and establishing a voice communication link between the wireless telephone and a second telephone. Ansems et al. teaches a personal digital assistant that is wireless telephone (paragraph 0030). Roeder teaches a system (fig. 3A) for establishing a voice communication link between the wireless telephone 208 and a second telephone 210a (paragraph 0060 lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Littleton et al. personal digital assistant with a wireless telephone and establishing a voice communication link between the wireless telephone and a second telephone in order for the wireless PDA to synchronize its changes made to telephone service features that are stored in memory to the server computer database and follow up by making a telephone connection with the server computer to determine if changes has been made and make a voice call to a friend, as taught by Ansems et al. and Roeder.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson 
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June 8, 2004